

REMARKS

Summary of Amendments

Claims 1-11, 13-16, 82-86, 89-101, and 106-120 are pending. Claims 1-11, 13-16, 67-69, and 82-101 have been rejected. Claims 12, 17-81, 87-88, 102-105 are canceled. Claims 106-119 have been newly added. No new matter has been added. Examples of support from the specification where amendments for the claims can be found are shown in the following table:

Claim Number	Paragraph Number From Application Showing Example of Support
1	[pp14-16], [p17:line 20 - p18:line 32], [p25:line 5 - p27:line 17]
82	[pp14-16], [p17:line 20 - p18:line 32], [p25:line 5 - p27:line 17]
95	[p45:lines 5-27], [p56:line 16 - p57:line 3], [p17:line 20 - p18:line 32]
106	[p14:line 4 - p15:line 29]
107	[p15:lines 1-29]
108	[p14:lines 7-32]
109	[p14:lines 7-32]
110	[p14:lines 26-32]
111	[p16:lines 1-22]
112	[p16:line 26 - p17: line 19]
113	[p16:line 26 - p17: line 19]
114	[p18:lines 15-27]
115	[p31:line 29 - p32: line 24]
116	[p31:line 29 - p32: line 24]
117	[p32:lines 18-21], [p49: lines 24-27]
119	[p40:lines 21-24]

Claim Objections

Claim 82 was objected to because of minor informalities. Although Applicant respectfully disagrees, claim 82 has been amended such that the examiner's basis for the objection is no longer applicable.

Rejections under 35 U.S.C. §101

The Examiner has rejected claims 82-94 under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Although Applicant respectfully disagrees, for the sole purposes of expediting prosecution, independent claim 82 has been amended such that the Examiner's basis for the rejection is no longer applicable.

Rejections under 35 U.S.C. §103

The Examiner has rejected independent claims 1, 82, and 95 under 35 U.S.C. 103(a) as being allegedly unpatentable over Hales et al. (U.S. Patent No. 6,288,739) ("Hales"), and further in view of Lahr (U.S. Patent No. 7,013,322)("Lahr"). Applicant respectfully disagrees.

Applicant respectfully submits that the rejections should be withdrawn at least because the references do not teach or suggest, either individually or in combination, all elements of independent claims 1, 82 and 95.

The method in the now-amended Claim 1, includes, among other features, "multicasting data through [a] network as a rate-specific data stream using a bi-directional delivery protocol (BDP); determining the available bandwidth of said network; and dynamically adjusting the rate-specific data stream based on the available bandwidth determined for said network, wherein, the rate-specific data stream corresponds to the first client having available network bandwidth to receive the rate-specific data stream, wherein, said dynamic adjustment of the rate-specific data stream occurs automatically based on the available bandwidth, wherein, said data comprises video data that is multicasted through the network in uncompressed form; and wherein, said bi-directional delivery protocol (BDP) comprises sending a binomial TCP forward packet and a simple UDP backwards packet."

Examiner relies on Hales for "teach[ing] a method for multicasting data ... via a bi-directional delivery protocol and ... sending a binomial TCP forward packet and a simple UDP packet." (See Office Action, page 3). However, Applicant respectfully disagrees for at least the following stated reason: Hales does not teach or disclose multicasting uncompressed audio/video data as a rate-specific data stream via the claimed "bi-directional protocol" implemented using both "UDP and TCP."

Moreover, Applicant submits that Hales in fact teaches using only a single network protocol other than UDP. Hales discloses that "[w]hen the number of nodes in the conference is equal to or less than two, the present system may use the UDP and multicast protocols interchangeably. When the number of nodes is greater than two, [only] the IP multicast protocol is employed." (See Col. 7, lines 51-52). Therefore, UDP is not functionally utilized in Hales to multicast data as taught by Applicant.

Claim 82 includes same and/or similar the elements as claim 1. Claim 95 recites claims similar to claims 1 and 82 and includes additional claims not disclosed by Hales, such as converting the audio/video data into a format to multicast over an email network, via SMTP, to display at a client. As such, Hales does not disclose or suggest the recited limitations.

The Examiner acknowledges that "Hales fails to teach multicasting said data through a network in real time or near real-time using a bi-directional delivery protocol (BDP); and, said video data is multicasted in uncompressed form." (See Page 4 of the present Final Office action).

The Examiner however attempts to rely on Lahr and takes the position that Lahr "teaches multicasting said data through said network in real-time or near real-time using a bi-directional delivery protocol (BDP)." (See Page 4 of the present Final Office action). Applicant respectfully disagrees.

Lahr does not teach using a bi-directional (TCP/UDP) protocol to transport video/audio data. Specifically, Lahr utilizes RTP to transport audio/video data. (See Lahr, Col. 12: lines 15-21). Lahr explicitly states that, "RTP employs User Data gram Protocol (UDP), as opposed to Transmission Control Protocol (TCP)" to transmit audio/video data. (See *id.* emphasis added).

Therefore, Lahr does not teach or even suggest the TCP-based bidirectional protocol recited by Applicant. Neither Lahr nor the combination of the additional art of record cures the deficiency.

Overall, none of the applied references, singly or in any motivated combination, disclose or suggest the features recited in Claim 1, and thus Claim 1 is allowable. Independent claims 82 and 95 include similar/same features and are thus also allowable based on at least the above-stated reasons.

The withdrawal of rejections under 35 U.S.C. § 103(a) is respectfully requested for Claims 1, 82, and 95.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

Reconsideration and withdrawal of the rejections set forth in the Final Office Action dated April 28, 2010 are respectfully requested.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2207, under Order No. 59006-8001.US01 from which the undersigned is authorized to draw.

Dated:

10/27/2010

Respectfully submitted,

By



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